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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,509	09/29/2000	CHARLES C. ROMANIUK	2000-003	8650
26477	7590	03/22/2004	EXAMINER	
CHARLES C. ROMANIUK P.O. BOX 1375 AGOURA HILLS, CA 91376			KUMAR, PANKAJ	
		ART UNIT	PAPER NUMBER	
		2631	4	
DATE MAILED: 03/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/672,509	ROMANIUK, CHARLES C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Pankaj Kumar	2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 9/29/2000.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-33 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,4 and 6 is/are rejected.  
 7) Claim(s) 3, 5, 7-33 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 3.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Fields 6035079.

3. As per claim 1, Fields teaches a pulse controlled phase modulator device comprising: a) a continuous wave coherent input signal (Fields fig. 2: 18); b) a pulsed input signal (Fields fig. 2: 16); c) a splitter for receiving said continuous wave coherent input signal (Fields fig. 2: 22 receives 20 from 18), said splitter dividing said continuous wave coherent input signal to produce an independent signal (Fields fig. 2: 26) and a dependent signal (Fields fig. 2: 24); d) an independent stage for receiving said independent signal, said independent stage producing a processed independent signal that is not pulse modulated (Fields fig. 2: 26 is not pulse modulated and it is processed by the bottom connection from 22 to 30); e) a dependent stage for receiving said pulsed input signal and said dependent signal, said dependent stage pulse modulating said dependent signal to produce a processed dependent signal (Fields fig. 2: output of 28); and f) a combiner for receiving said processed independent signal and said processed dependent signal, said combiner combining said processed independent signal and said processed dependent signal to produce a continuous wave coherent phase modulated output signal (Fields fig. 2: 30).

4. As per claim 2, Fields teaches a device according to claim 1 having an ON operating region and an OFF operating region (Fields abstract: "... if the saturable absorber (28) is switched to the transparent mode, the first and second beams combine destructively and the optical output beam is dark, or a logical zero. When the saturable absorber (28) is in the opaque mode, the first beam is blocked so that the optical output beam is the second beam, providing a logical one.").

5. As per claim 4, Fields teaches a device according to claim 2, where in said OFF operating region said processed dependent signal is substantially negligible in magnitude and said pulsed input signal is not present (Fields abstract: "... if the saturable absorber (28) is switched to the transparent mode, the first and second beams combine destructively and the optical output beam is dark, or a logical zero.").

6. As per claim 6, Fields teaches a device according to claim 1, wherein said signals are laser beams (Fields fig. 2: 18, 20).

#### *Allowable Subject Matter*

7. Claims 3, 5, 7-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (703) 305-0194. The examiner can normally be reached on Mon, Tues, Wed and Thurs after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (703) 306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PK

TEMESGHENGHE BREINSALE  
PRIMARY EXAMINER